

1 need to turn to it, fine. But the one on page 200, which
2 you said looks like yours, I would ask you to compare that
3 to Exhibit 45 at page 16. And the same question, does that
4 appear to be different signatures?

5 A Page what?

6 JUDGE STEINBERG: Forty-five, page 16.

7 MR. PEDIGO: Yes, Your Honor.

8 THE WITNESS: They appear to be different.

9 BY MR. PEDIGO:

10 Q Okay. You can set 19 aside, but I do want to ask
11 you something about those other three exhibits you just
12 looked at.

13 A Okay.

14 Q So if you could compare where you are right now,
15 page 45, 16, to page 55, I mean Exhibit 55, page 20. Does
16 it appear that the same person authored both of those
17 signatures?

18 MR. McVEIGH: Objection. Calling the witness to
19 speculate.

20 JUDGE STEINBERG: I think it is an opinion the
21 witness can render.

22 THE WITNESS: I don't know.

23 BY MR. PEDIGO:

24 Q You do not know?

25 A No.

1 Q Okay. If somebody from the Government took the
2 position those were the same, the same person authored both
3 those signatures, you would not squabble or quarrel with
4 that, would you?

5 MR. McVEIGH: Objection. Calling on the witness
6 to speculate.

7 JUDGE STEINBERG: Well, she would not quarrel. I
8 do not see that -- I will overrule that.

9 BY MR. PEDIGO:

10 Q If you could please take a look now at
11 Exhibit 70. It is the one with the map on the front. Just
12 a couple of questions on that.

13 Do you have that, Mrs. Sumpter?

14 A Yes.

15 Q Okay. If we could go right to page 11, please.
16 And if you could look at the top portion, the billing, and
17 compare receipt entries six, seven, and eight, which is a
18 phone call on June 14, 21st, and the 25th, respectively. Do
19 you see that?

20 A Yes.

21 Q Is it your testimony that as much as a week in
22 between phone calls to Junction was fairly typical?

23 A Probably.

24 Q So is it your testimony that maybe a week could
25 go by, and then on the 21st your husband might pick up the

1 phone and call Junction and just say I am coming down that
2 day?

3 A Well, he'd call and talk to her about how she was
4 feeling. But if we were going down, he would have called
5 her that morning, or that day, to let her know.

6 Q Okay. But it is not the phone records that tell
7 you that, it is the other things that have caused you --

8 A Right.

9 Q And is that because you just woke up Thursday and
10 remembered the Junction trip?

11 A I woke up and realized at the time frame, that
12 she was real sick in that time. And I thought, well, there
13 was a possibility that we were not at home.

14 Q Now, we, I guess we have already covered with
15 Mr. Romney that there were no notations on the, about this
16 Junction trip on pages five or six of that exhibit, is that
17 correct?

18 A Only that we were out.

19 Q Okay. Out on Friday afternoon.

20 A Out from noon on.

21 Q Do you recall that the reason Ron asked you to
22 allow your name and the girls' names to be put on an FCC
23 application was because it was related to some DLB business
24 purpose? Is that your recollection?

25 A Well, they wanted the license. Just the license.

1 I mean, I don't -- I assume it was for DLB. I don't --

2 Q Well, you did put in your declaration that they
3 were starting a system from scratch, and there was, at least
4 previously you provided testimony or a sworn statement about
5 your understanding of the reason for it. I wondered if you
6 knew that today.

7 A That they were starting from scratch?

8 Q Those are your words. I mean, Exhibit 45, page
9 one, paragraph A-1. I will paraphrase. "Ron and Pat
10 approached me about a flying fort FCC license in the late
11 1980s or early 1990s. It was with this understanding that
12 everything was on the up and up; that Ron could only apply
13 for a limited number of licenses from scratch, but could
14 acquire any number of them. And as soon as the licenses
15 were granted, they would immediately be transferred to the
16 Brashers."

17 Do you, does that help you recall the
18 explanation?

19 A Yes.

20 Q Okay. If you could look, though, at Exhibit 42,
21 please. If you look at page one of that exhibit, please.

22 A Okay.

23 Q And you have identified that as your signature.

24 A Yes.

25 Q Okay. If you look up at the top, though, do you

1 see where it says -- and this is the top left -- it says,
2 mobile, three. Do you see that? "MO, three."

3 A Yes.

4 Q Do you understand this application was only for
5 three mobile units?

6 A That didn't mean anything to me.

7 Q Okay. But that, I think you would agree that
8 would be inconsistent with the explanation you have tied in
9 your mind to when you put your name on an FCC license. This
10 is -- let me rephrase it.

11 You said that Ron approached you and said this is
12 what he needed for their business, correct?

13 A Right.

14 Q But in their business, they would not want an
15 application that just had three units, would they? Wouldn't
16 they want an application with a lot more units?

17 MR. McVEIGH: Objection. Calling on the witness
18 to speculate.

19 JUDGE STEINBERG: You can ask her if she knew.

20 MR. PEDIGO: Okay.

21 BY MR. PEDIGO:

22 Q Do you know what the three mobile units is
23 consistent with, either a business use or just a private
24 use?

25 A No.

1 Q If you could look at Exhibit 43, as well, please.
2 Can you see up there, it has got nine by the mobile units on
3 page one of Exhibit 43?

4 A Yes.

5 Q So do you have an opinion either way if this
6 would have been an application that would have coincided
7 with the explanation Ron gave you about needing it for
8 business use?

9 A I don't have any idea.

10 Q On Exhibit 42, you admitted that is your
11 signature, and you just did not recall that.

12 A That's correct.

13 Q Same question with regard to Exhibit 43, your
14 signature of April of '92. You admitted that is your
15 signature, you just do not remember it.

16 A Yes.

17 Q And then at page six of that exhibit, you
18 testified -- I am sorry, page six of Exhibit 43.

19 JUDGE STEINBERG: Forty-three, I am sorry, yes.

20 THE WITNESS: Forty-three? Okay, I was looking
21 at 42. Okay.

22 BY MR. PEDIGO:

23 Q Do you remember you testified earlier today you
24 thought the first time you saw this was at the deposition.
25 Do you remember that testimony?

1 A Yes.

2 Q But in fact, you saw this, the signature and this
3 document, back in 1993.

4 A No.

5 JUDGE STEINBERG: Not the whole document.

6 BY MR. PEDIGO:

7 Q Oh, I am sorry. You saw that portion of the
8 document that was 1993.

9 A Well, what I saw, I don't know if that's a part
10 of that or not.

11 Q Okay. Well, then, what about RB/PB Exhibit
12 Number 9, which is the thing your current lawyer sent in in
13 September of 1999, where the same signature was involved?

14 A Well, I mean, all I see is the little, little
15 thing. I don't know if that's the bottom of that or not.
16 It's different.

17 Q All right. But in any -- well, when you said you
18 have never seen page six, at the time you gave that
19 testimony had you forgot that --

20 A I had forgotten about this.

21 Q Okay. So for the first three FCC applications
22 that you are aware of, you have had a memory problem, is
23 that fair to say?

24 A Oh, I've had a memory problem --

25 (Laughter.)

1 MS. LANCASTER: Let the record reflect humor.

2 JUDGE STEINBERG: No, the record can reflect that
3 Mrs. Sumpter was chuckling, and Ron Brasher in the back of
4 the room was chuckling. Whether anybody -- I was smiling,
5 because I like to smile.

6 MR. ROMNEY: I was not, Your Honor.

7 JUDGE STEINBERG: I could not see you, because --

8 MR. ROMNEY: I was just testifying that I was not
9 smiling.

10 JUDGE STEINBERG: -- because Mr. McVeigh was
11 blocking you.

12 MR. ROMNEY: Yes, I know he was intentionally
13 blocking me.

14 JUDGE STEINBERG: But I mean, that is what
15 happened. Anybody disagree with that? Okay.

16 BY MR. PEDIGO:

17 Q All right. So you know of three FCC applications
18 involving your name prior to June of 1996, is that fair?

19 A Yes.

20 Q Okay. The first three FCC applications that we
21 have talked about, you have had an inability to remember the
22 details, or even if you signed them. Is that fair?

23 A That's correct.

24 Q Isn't it just possible that maybe you are just
25 failing to remember something about the June, '96

1 application?

2 A I know I didn't sign them.

3 JUDGE STEINBERG: Let me ask, isn't it possible
4 that during the course of a casual conversation that you
5 were having with Ron or Pat, maybe on the phone or maybe
6 when they came in to pick up some accounting stuff, that
7 they might have mentioned that they needed some more
8 licenses? And could they, you know, do you mind if we use
9 your name again, something like that?

10 THE WITNESS: There's a possibility.

11 JUDGE STEINBERG: There is a possibility. And
12 you do not remember that happening?

13 THE WITNESS: No.

14 JUDGE STEINBERG: You do not remember it not
15 happening.

16 THE WITNESS: No.

17 BY MR. PEDIGO:

18 Q Mrs. Sumpster, to follow up on that, if they had
19 made that request in June of 1996, there would be no reason
20 why you would not have complied with that request.

21 MR. McVEIGH: Objection. Speculation.

22 JUDGE STEINBERG: Well, I will overrule that,
23 since it is the second time the question was asked, and so
24 we can get the answer the second time.

25 BY MR. PEDIGO:

1 Q Is that fair?

2 A That's fair.

3 Q Okay.

4 JUDGE STEINBERG: Just in case --

5 MR. PEDIGO: All right. All right.

6 JUDGE STEINBERG: -- anybody misses it the first
7 time. Now we have two sources.

8 BY MR. PEDIGO:

9 Q On Exhibit 37 at page two. Do you see, about
10 three-fourths of the way down of the first paragraph on that
11 page two, do you see that?

12 JUDGE STEINBERG: Which sentence is it, please?

13 BY MR. PEDIGO:

14 Q I will read it to you. "I really cannot recall
15 signing any applications or other forms, but Ronald was so
16 adamant about this that he sort of convinced me that I must
17 have signed an application."

18 Do you remember that?

19 A Do I remember --

20 Q You wrote this document in your own handwriting.

21 JUDGE STEINBERG: No, this is --

22 MR. McVEIGH: Objection. Misstates the nature of
23 the testimony.

24 MR. PEDIGO: Okay.

25 BY MR. PEDIGO:

1 Q Are you aware that your husband has testified he
2 was confused about signing a June, '96 application?

3 A Yes. Yes.

4 Q And when you put out the letter, Exhibit 48, the
5 third sentence of that first paragraph you are talking about
6 "my" application for a license.

7 A Yes.

8 Q And at the time you wrote this, were you not
9 under the impression that maybe you had signed that?

10 A No. My applications were referring to the
11 earlier ones. The earlier ones I wrote.

12 Q Okay. So you were not -- but you are putting
13 this in related to the FCC letter dated November 17, 1997.
14 Do you understand that? That is the Net Wave application.

15 A Yes, I understand that.

16 MS. LANCASTER: Your Honor, I object.

17 JUDGE STEINBERG: No, no.

18 MS. LANCASTER: Eleven/17/97 is not the Net Wave
19 application. Which is what --

20 JUDGE STEINBERG: Right.

21 MS. LANCASTER: -- Mr. Pedigo just testified to.

22 JUDGE STEINBERG: Okay. The earlier testimony
23 was that the 11/17/97 letter referred to Exhibit 46,
24 whatever
25 Exhibit 46 is.

1 MS. LANCASTER: Construction letter, Your Honor.

2 JUDGE STEINBERG: Okay. The earlier testimony
3 was that you have advised me that I qualify to have this
4 license, that this license was WPJR739.

5 Now we are all on the same page, I think. So if
6 you have any questions from that.

7 BY MR. PEDIGO:

8 Q Right. So your position is that the December 20
9 letter was not related to the Net Wave petition. This is
10 pertaining to another license, is that correct?

11 A Repeat that again?

12 Q Let me ask you better. Is this December 20
13 letter related to the application discussed in the Net Wave
14 petition or another license?

15 A This one that Ronald brought by? Yes, it's the
16 one that's in the Net Wave, I believe. I'm not sure.

17 JUDGE STEINBERG: Okay. Well, you said this one
18 that Ronald brought by, you were pointing at Exhibit 46.

19 THE WITNESS: Yes.

20 MR. PEDIGO: Right.

21 JUDGE STEINBERG: And the record will reflect
22 that that is what the witness was doing.

23 MR. PEDIGO: Right.

24 BY MR. PEDIGO:

25 Q In your understanding, though, that was involved

1 in the Net Wave application, is that correct?

2 A Yes. My understanding, it was.

3 Q But that relates to one of the earlier licenses
4 that was applied for before June of '96, is that not
5 correct?

6 MR. McVEIGH: Objection. Unclear. What does
7 "that" relate to? What is the antecedent of that?

8 MR. PEDIGO: Exhibit 46, Your Honor.

9 BY MR. PEDIGO:

10 Q Mrs. Sumpter, is it not fair, at the time you
11 wrote that letter, you were not sure which application you
12 were talking about?

13 A It's fair to say that.

14 MR. PEDIGO: No further questions.

15 JUDGE STEINBERG: Let's go off the record,
16 please.

17 (Whereupon, a brief recess was taken.)

18 JUDGE STEINBERG: Ms. Lancaster?

19 REDIRECT EXAMINATION

20 BY MS. LANCASTER:

21 Q Mrs. Sumpter, would you turn to Exhibit 42?

22 A Forty-two?

23 Q Right. Look at page two of that exhibit, please.

24 A Yes.

25 Q Do you remember Mr. Romney asking you some

1 questions about how these checks got in attached to the
2 application that was signed on 8/7/90?

3 A Yes.

4 Q When did you first see Exhibit 42?

5 A At the deposition.

6 Q Mr. Romney handed it to you, did he not?

7 A Yes.

8 Q And he questioned you about it like they were
9 all, they all went together?

10 A Yes.

11 Q Do you remember the yellow card and the green
12 card? I have that right here.

13 A Yes.

14 Q That Mr. Romney also asked you about?

15 A Yes.

16 JUDGE STEINBERG: Okay, that is Exhibit RB/PB
17 Exhibits 10 and 11, for the record.

18 BY MS. LANCASTER:

19 Q How did Ronald Brasher get those cards?

20 A If they were mailed to me, I had to send them to
21 him.

22 Q Do you remember being asked, Mrs. Sumpter,
23 whether or not you authorized Jim to authorize Brown and
24 Schwaninger to represent you in this matter? Do you
25 remember that --

1 A Yes.

2 Q -- those questions? If your husband -- how was
3 your relationship with your husband? Had he done something
4 like that, would he have told you about it?

5 MR. ROMNEY: Objection. Leading.

6 JUDGE STEINBERG: Try to do it another way.

7 BY MS. LANCASTER:

8 Q Did your husband ever tell you that he had
9 authorized anyone, any attorney other than Mr. McVeigh, to
10 represent you in this matter?

11 A No.

12 Q Would he have told you?

13 MR. ROMNEY: Objection. Calls for speculation,
14 Your Honor.

15 JUDGE STEINBERG: In her opinion, being married
16 to the man for 30-something years. Overruled.

17 BY MS. LANCASTER:

18 Q In your opinion, being married to him for
19 30-something years?

20 A He would have told me.

21 Q Did you understand when Ronald Brasher first, you
22 first talked with him about transferring the June, 1996
23 license -- do you know what I am talking about by that? The
24 licenses discussed in the Net Wave petition. Do you
25 understand --

1 A Yes.

2 Q -- which I am talking about? Did you understand
3 when he first came and brought the 800-A to you and said
4 sign it, he told you it was a transfer?

5 A Yes.

6 Q Do you remember questions about that?

7 A Yes.

8 Q Did you understand that the transfer was going to
9 be a two-part process?

10 A No.

11 Q Did he tell you that if you signed that, that was
12 the transfer?

13 A He told me that was the transfer.

14 Q And you later learned that that just was not
15 correct?

16 A That's correct.

17 Q Do you remember talking about Exhibit 46, which
18 is that 800-A letter, the construction letter?

19 A Yes.

20 Q Do you remember saying that he brought one for
21 everybody? One for you and Jim, and Melissa and Jennifer?

22 A Yes.

23 Q And that he took back two of them?

24 A Yes. He took back all four of them.

25 Q All right. But two of them, you had signed yours

1 and Jim had signed his, is that correct?

2 A That's correct.

3 Q And he took back Melissa's and Jennifer's, and
4 they were unsigned?

5 A Correct.

6 Q Okay. Do you have any idea where he would have
7 gotten a copy of Jennifer's and Melissa's?

8 A No.

9 MR. ROMNEY: Objection. Calls for speculation on
10 the part of the witness, Your Honor.

11 JUDGE STEINBERG: She asked it does she have any
12 idea, and she can certainly, how he got it. And I think the
13 answer was no.

14 THE WITNESS: No.

15 JUDGE STEINBERG: So she does not have any idea.

16 BY MS. LANCASTER:

17 Q Do you know anything about the FCC?

18 A No.

19 Q Do you know whether or not you could get
20 duplicates?

21 A No.

22 Q Do you remember the questions about your memory
23 being faulty and you not remembering the details of all of
24 the applications that you signed in the early eighties and
25 nineties?

1 A Yes.

2 Q And do you remember the questions about, well, if
3 you had been asked to sign an application in 1996, would you
4 have done so?

5 A Yes.

6 Q And you, I believe your testimony was you
7 probably would?

8 A Yes.

9 Q If you had signed an application in 1996, would
10 you admit it now?

11 A Yes.

12 Q Would there have been any reason for you to
13 report that you did not sign one?

14 A No.

15 MR. PEDIGO: Objection, Your Honor.
16 Argumentative and calls for speculation.

17 JUDGE STEINBERG: Overruled.

18 BY MS. LANCASTER:

19 Q You admitted the other ones that you signed, did
20 you not?

21 A Yes.

22 Q Would the 1996 one have been any different?

23 A No.

24 Q Do you recall the questions from Mr. Romney and
25 Mr. Pedigo regarding RB/PB 70? Or, no --

1 JUDGE STEINBERG: That is yours.

2 MS. LANCASTER: I take it back. It is not
3 theirs, it is mine.

4 BY MS. LANCASTER:

5 Q Seventy, which is the calendar and the telephone
6 bill. Do you recall them asking you questions about that?

7 A Yes.

8 Q And do you specifically recall Mr. Pedigo, I
9 believe, asking you whether it was your common practice to
10 only call your auntie once a week?

11 A Well --

12 JUDGE STEINBERG: You are talking about the
13 latter pages here.

14 MS. LANCASTER: I am talking about page 11 of
15 Exhibit 70.

16 BY MS. LANCASTER:

17 Q I believe you were questioned by Mr. Pedigo about
18 that.

19 MR. PEDIGO: Objection, Your Honor. That
20 misstates.

21 JUDGE STEINBERG: Let's get to page 11 and see --

22 MS. LANCASTER: I did not hear the objection.

23 JUDGE STEINBERG: The objection was that it
24 misstates the nature of the examination.

25 MR. PEDIGO: Yes, Your Honor.

1 MS. LANCASTER: Well, I do not --

2 JUDGE STEINBERG: Well, I lost the question. Ask
3 it again and see if we get the objection. Because I do
4 remember the question.

5 BY MS. LANCASTER:

6 Q Have you found page 11?

7 A I've got it.

8 JUDGE STEINBERG: I remember Mr. Pedigo's
9 question.

10 BY MS. LANCASTER:

11 Q You notice all of the phone calls on this bill
12 that went to your aunt's home?

13 A Yes.

14 Q Did you also make phone calls from your home
15 phone?

16 A Yes.

17 Q Would they show up on this bill?

18 JUDGE STEINBERG: To whom?

19 BY MS. LANCASTER:

20 Q To your aunt?

21 A They would have showed up on a different bill.

22 Q Okay. So does this bill reflect every phone call
23 that you made to your aunt during this time period?

24 A No.

25 MS. LANCASTER: I have nothing further, Your

1 Honor.

2 JUDGE STEINBERG: Mr. Romney?

3 RECROSS-EXAMINATION

4 BY MR. ROMNEY:

5 Q Page 14 of Exhibit Number 70, ma'am.

6 JUDGE STEINBERG: That is the last page of the
7 one with the map on it.

8 THE WITNESS: I have it.

9 BY MR. ROMNEY:

10 Q That is your home phone bill for that time
11 period, is it not?

12 A Yes.

13 Q And that shows whatever calls you would have made
14 to your husband's aunt's house, right?

15 A It's a different bill, though.

16 Q Different bill than what, ma'am?

17 A Than the other one.

18 Q Yes.

19 JUDGE STEINBERG: Than page 11.

20 THE WITNESS: Than page 11.

21 BY MR. ROMNEY:

22 Q Absolutely.

23 A One is at the office and one is at the home.

24 Q That is my point. Page 14 of Exhibit Number 70
25 is your home phone bill for that time frame.

1 A Yes.

2 Q Right.

3 A Yes.

4 Q And so any calls you made from home down to
5 Junction would be on page 14.

6 A Yes.

7 Q Okay. And the calls that you made from the
8 office would be on page 11.

9 A Right.

10 Q Now, Ms. Lancaster asked you a question that if
11 you had signed a form in 1996, why wouldn't you admit it
12 now? Or you would admit it now. Do you remember that
13 question and answer?

14 A Yes.

15 Q When your husband saw the Net Wave petition, did
16 he tell you that he was adamant that he had never signed an
17 application?

18 A Yes, he did.

19 Q And all through your discussions with him, he had
20 always been adamant that he had never signed an application.

21 A He said that he didn't think he signed one. He
22 didn't remember ever signing one.

23 Q And you do not ever remember him signing one, do
24 you?

25 A No.

1 Q So he was dead sure that he had never signed one,
2 right?

3 A Right.

4 Q And you have already testified here today, ma'am,
5 that when you saw the Net Wave petition, you forgot about
6 the other ones you had signed earlier in the early nineties,
7 right?

8 A Well, I didn't know when I signed the earlier
9 ones.

10 Q You knew that you had signed some out there,
11 right?

12 A Yes. At least one.

13 Q And you knew that you turned over this
14 responsibility of responding to the FCC to your husband,
15 correct?

16 A Yes.

17 Q And your husband was so adamant that he had never
18 signed an application, is that right?

19 A That's correct.

20 Q And isn't it just possible, ma'am, that if you
21 had actually signed one in the '96 time frame and had
22 forgotten about it, that you would never have mentioned it
23 to your husband, and he would never have known?

24 A If I had signed one for my husband, I would have
25 told him.

1 Q No, I am talking about for yourself.

2 A Oh, for myself?

3 Q If you had signed one for yourself in 1996 --

4 A I would tell him.

5 Q -- and had not remembered it, you would never

6 tell him, right?

7 A And didn't remember it?

8 Q And did not remember it.

9 A I remembered that I had not signed one.

10 Q If you had signed one and had not remembered it,

11 you would not have been able to tell him that, right?

12 A There's a possibility, yes.

13 Q And once declarations were out to the FCC, and

14 all of these correspondences now that you have made with

15 your attorneys, and all the depositions that you have done,

16 it would be a very inopportune time for you to have a recall

17 to wake up tomorrow morning, like you did Thursday, to wake

18 up tomorrow morning and also remember, oh, my gosh, I signed

19 one in 1996.

20 A I didn't sign one in 1996.

21 Q If you were to remember that, ma'am, you would be

22 in pretty much of a pickle, wouldn't you?

23 A Yes, I guess I would.

24 Q You are too far down the road on this, on your --

25 A If I remembered it, I would have told you.

1 Q I am sorry, ma'am?

2 A If I had --

3 Q You have got to let me ask the question, please.

4 A I thought you were asking one.

5 Q Well, I was, and you were trying to answer on top
6 of me. And the tape recorder, ma'am, cannot pick us both up
7 at the same time.

8 You are too far down the story for you to have
9 any other recall than the fact that you did not sign one in
10 1996, aren't you?

11 A I guess.

12 Q And you have a crystal-clear demonstration, a-la
13 last Thursday, of your ability to wake up and have a new
14 memory regarding some of the events of this case, correct?

15 A Yes.

16 MR. ROMNEY: Thank you. Nothing else, Your
17 Honor.

18 JUDGE STEINBERG: Mr. McVeigh? Let's go off the
19 record, please.

20 (Whereupon, a brief recess was taken.)

21 RECROSS-EXAMINATION

22 BY MR. McVEIGH:

23 Q Mrs. Sumpster, if you, if you were, if you had a
24 recollection, let's say right now, that was different from
25 anything that you have said in your declarations or in your

1 statement to the Commission, would you tell us --

2 A Yes, sir.

3 Q -- what your present recollection --

4 MR. ROMNEY: Objection. Calls for speculation,
5 Your Honor.

6 THE WITNESS: Yes, I would.

7 JUDGE STEINBERG: Overruled.

8 MS. LANCASTER: I did not hear her.

9 THE WITNESS: I said yes.

10 JUDGE STEINBERG: Ask again, please.

11 MR. McVEIGH: I am sorry?

12 JUDGE STEINBERG: Ask again, because there was
13 too much overlap talking.

14 BY MR. McVEIGH:

15 Q Mrs. Sumpster, if you had a recollection at any
16 point that was different from what your previous
17 recollections were concerning any of the matters that you
18 talked about in your declarations or in your statements from
19 what you said here today, would you tell us about that?

20 A Yes.

21 MR. ROMNEY: Objection, Your Honor. Speculation.

22 JUDGE STEINBERG: Overruled. You may answer.

23 THE WITNESS: Yes.

24 BY MR. McVEIGH:

25 Q Just a minute ago Mr. Romney asked you whether

1 you were too far down the road now to change your story.

2 And my recollection was that you said that you guessed that
3 you were. Would you like to modify that statement?

4 A If I had anything different to tell you, I would
5 tell you. I would tell you the truth.

6 MR. ROMNEY: I cannot hear her.

7 THE WITNESS: If I had anything different to tell
8 you, I would tell you. I would tell you the truth. I'm
9 trying to tell you the truth.

10 BY MR. McVEIGH:

11 Q To the best of your recollection, the trip to
12 Junction that you recently remembered, is that in any way
13 inconsistent with anything that you have said in any of the
14 paperwork that has been submitted to the FCC, or any of your
15 statements under oath?

16 A Inconsistent?

17 MR. ROMNEY: Objection. Conclusory.

18 JUDGE STEINBERG: Sustained. I think we all can
19 draw our own inferences, conclusions, whatever you want to
20 call them, from the records.

21 BY MR. McVEIGH:

22 Q Mrs. Sumpster, to your recollection, did you ever
23 testify that you were present at an application signing
24 party on June 22?

25 A No.

1 JUDGE STEINBERG: Nineteen-ninety-six?

2 BY MR. McVEIGH:

3 Q Nineteen-ninety-six.

4 A No, I wasn't.

5 MR. McVEIGH: No further questions.

6 JUDGE STEINBERG: Okay, let me -- Mrs. Sumpter,
7 you are excused. And I want to thank you very much for
8 coming and spending the week in Washington. Washington
9 enjoyed having you, I am sure.

10 And I would just like to say -- and this goes
11 for, to any of the witnesses that are prepared, and counsel
12 can advise their witnesses of this fact -- if any witness
13 wakes up in the morning and discovers that something major
14 that they told us here during the hearing is no longer
15 accurate, I would like to know. And we can possibly reopen
16 the record and take additional testimony.

17 I told this to your daughter, Jennifer, and I
18 will tell this to you. And you can tell this to Melissa and
19 Jim. And Mr. Brasher, the two Mr. Brashers can tell it to
20 the two Mrs. Brashers. That what we are trying to do here
21 is to determine what in the world happened.

22 And I have to admit, I have never seen another
23 case like this in my, I have been in the Commission since
24 1970, for a couple years mostly doing hearing work, then
25 trial work from 1976. And I have never seen anything -- I

1 have seen cases where there have been differences in
2 testimony, where I have had to make a determination as to
3 who I believed, et cetera, et cetera. But for various
4 reasons in those cases, I could do that.

5 I have never seen a case like this where it is
6 going to be as difficult as it is going to be in this case.
7 So if somebody all of a sudden remembers something that is
8 going to help me, help the Commission, I would appreciate
9 knowing about it. And then we can take it from there.

10 And you know, I think after -- all you clients
11 can talk about this with your spouses outside of the
12 sequestration order. You know, you can talk about this, but
13 not talk about the testimony that you have given. I think
14 you can all do that.

15 So if you do think, if anybody does think of
16 something different, or remembers something different, I
17 think I would like to know, the Commission would like to
18 know, and so would everybody else in this room.

19 Okay, so you are excused. And I wish you a good
20 trip back to Texas.

21 THE WITNESS: Thank you.

22 (Whereupon, the witness was excused.)

23 JUDGE STEINBERG: And let's go off the record for
24 a moment.

25 (Whereupon, a discussion was held off the record.)

1 JUDGE STEINBERG: We will be in recess until 9
2 a.m. Friday morning.

3 (Whereupon, at 5:45 p.m., the hearing was
4 recessed, to reconvene the following day, Friday, March 9,
5 2001, at 9:00 a.m.)

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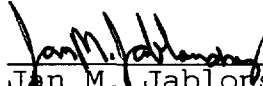
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HEARING DATE: March 8, 2001

LOCATION: Washington, DC

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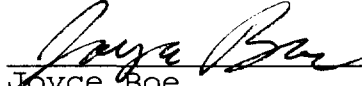
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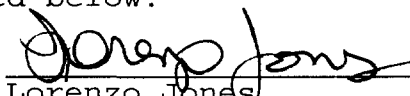
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